

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 3:22-cv-00686-HTW-LGI
)	
v.)	
)	AGREED MOTION TO AMEND
)	PROFESSIONAL BUDGET
)	
THE CITY OF JACKSON, MISSISSIPPI,)	
)	
Defendant.)	
_____)	

JXN Water, Inc., by and through undersigned counsel, moves this Court to enter an order allowing it to modify the Professional Budget developed in connection with the Interim Stipulated Order (“ISO”) [Dkt. No. 6] and, in support, states as follows:

1. By order, on November 29, 2022, this Court appointed Ted Henifin as the ITPM, stipulated by the City of Jackson, the Mississippi State Department of Health, and the Environmental Protection Agency (the “Parties”), to operate, maintain, manage, and control the City of Jackson’s water system and the Water/Sewer Business Administration (“WSBA”). *See* ISO, Dkt, No. 6.

2. Attached to the ISO as Appendix B was an initial ITPM Professional Budget. Paragraph 11.g of the ISO contemplates amendments to the ITPM Professional Budget and requires such amendments be submitted to the Court for approval.

3. Mr. Henifin now proposes, and the Parties consent, to modify the ITPM Professional Budget to add \$839,500 for billing software specialized consultant support

(\$500,000) as well as community outreach staffing, legal and regulatory support, and consultant support (\$339,500).

4. Prior to entry of the ISO, the ITPM Professional Budget at Appendix B had been agreed upon by the Parties.

5. Since Mr. Henifin was appointed as the ITPM he has discovered that the WSBA uses a proprietary billing software that requires specialized consulting assistance to operate. Mr. Henifin has also discovered the need to provide additional community outreach and engagement with citizens of Jackson that may require the hiring of a full-time employee or use of additional contractor support.

6. Below is a more detailed description and budget for these activities.

a. Billing System and Collections Consulting \$ 500,000

Specialized consulting assistance is required to complete installation of the Oracle C2M billing system software and for on-going maintenance of the system until the local revenue stream fully recovers and can absorb these costs. Additionally, consulting and related professional services are required to resolve the significant outstanding disputed balances and to maximize Low Income Water Assistance funding from HHS. Assistance will also be required to perform needed data management in the existing system and with assessor's data should a new rate structure be adopted. This work may include hiring staff (interns, temporary, and/or permanent full-time on the JXN Water staff to address, manage, and perform some of these tasks.

b. Community Outreach and Community Benefit Management \$339,500

Restoring trust in the Jackson water system requires significant local engagement with the community and development of a robust community benefit plan. This work may be managed by a new position (not included in the original grant), or with contract support or a combination.

7. Accordingly, the Professional Budget needs to be amended to reflect these anticipated expenses.

8. Counsel for the Parties have conferred with respect to the relief sought in this Motion and consent to the relief requested in this Motion.

9. The proposed Amended Professional Budget is attached hereto as Exhibit “A”.

WHEREFORE, The ITPM, requests this Court to enter an order allowing it to amend the Professional Budget to include the anticipated expenses of \$500,000 for Billing Systems and Collections Consulting and \$339,500 for Community Outreach and Community Benefit Management, as set forth in Exhibit “A.”

RESPECTFULLY SUBMITTED, this the 21st day of April, 2023.

ITPM, dba JXN WATER,

/s/ Malissa Wilson

Malissa Wilson (MSB #100751)
FORMAN WATKINS & KRUTZ LLP
210 East Capitol Street, Suite 2200
Jackson, MS 39201
Telephone: (601) 960-8600
Facsimile: (601) 960-8613
malissa.wilson@formanwatkins.com

ITS ATTORNEY

CONSENT AS TO FORM:

For the United States of America:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

KARL FINGERHOOD (PA Bar No. 63260)
ANGELA MO (CA Bar No. 262113)
STEFAN J. BACHMAN (SC Bar No. 102182)
DEVON LEA FLANAGAN (VA Bar No. 87444)
Attorneys
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 514-7519
Fax: (202) 616-2427
Email: Karl.Fingerhood@usdoj.gov
Email: Angela.Mo@usdoj.gov
Email: Stefan.Bachman@usdoj.gov
Email: Devon.Flanagan@usdoj.gov

DARREN J. LAMARCA
United States Attorney for the Southern District of Mississippi
ANGELA GIVENS WILLIAMS
Chief, Civil Division
Assistant United States Attorney

JENNIFER CASE (MS Bar No. 104238)
Assistant United States Attorney
United States Attorney's Office
501 East Court Street, Suite 4.430
Jackson, Mississippi 39201
Tel: (601) 965-4480

For the U.S. Environmental Protection Agency:

DIANA SAENZ
Acting Division Director
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

JAMES VINCH
Attorney-Advisor
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

LEIF PALMER (GA Bar No. 560159, OR Bar No. 873163)
Regional Counsel
Region 4
United States Environmental Protection Agency
61 Forsyth Street S.W.
Atlanta, Georgia 30303
Tel: (404) 562-9542
Email: Palmer.Leif@epa.gov

SUZANNE G. RUBINI (NY Bar No. 2268696)
Deputy Regional Counsel
Region 4
United States Environmental Protection Agency
61 Forsyth Street S.W.
Atlanta, Georgia 30303
Tel: (404) 562-9674
Email: Rubini.Suzanne@epa.gov

For the City of Jackson, Mississippi:

CATORIA ARTIN (MS Bar No. 103938)

City Attorney

Email: cmartin@city.jackson.ms.us

TERRY WILLIAMSON (MS Bar No. 8639)

Legal Counsel

Email: twilliamson@city.jackson.ms.us

OF COUNSEL:

OFFICE OF THE CITY ATTORNEY

455 East Capitol Street

Post Office Box 2779

Jackson, Mississippi 39207-2779

Tel: (601) 960-1799

Fax: (601) 960-1756

For the Mississippi State Department of Health:

DANIEL P. EDNEY, MD, FACP, FASAM

State Health Officer

Executive Director

Mississippi State Department of Health

P.O. Box 1700

Jackson, Mississippi 39215

Tel: (601) 576-7634

Fax: (601) 576-7931

Email: Daniel.Edney@msdh.ms.gov

CASSANDRA WALTER (MS Bar No. 8441)

Attorney

Legal Counsel

Mississippi State Department of Health

P.O. Box 1700

Jackson, Mississippi 39215

Tel: (601) 576-7847

Fax: (601) 576-7805

Email: Cassandra.Walter@msdh.ms.gov

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that I have served a true and correct copy of the above and foregoing document via the Court's electronic filing system.

THIS, the 21st day of April, 2023.

/s/ Malissa Wilson
Malissa Wilson (MSB #100751)